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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
BARBARA MITCHELL,
Defendant.

No. CR 11-0507 EJD

**STIPULATION AND [PROPOSED]
ORDER VACATING MAY 14, 2012
STATUS CONFERENCE, SETTING
AUGUST 27, 2012 STATUS
CONFERENCE AND EXCLUDING
TIME FROM MAY 14, 2012 TO
AUGUST 27, 2012, FROM
CALCULATIONS UNDER THE
SPEEDY TRIAL ACT (18 U.S.C. § 3161)**

The parties hereby request that the Court enter this order vacating the status conference scheduled for May 14, 2012, setting a further status conference in this matter for May 14, 2012, and excluding time from May 14, 2012 through August 27, 2012. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from May 14, 2012 through August 27, 2012, based upon the need for the defense counsel to investigate further the facts of the present case. The government has provided thousands of pages of discovery in the present case, and defense

counsel needs time to review the discovery, evaluate further possible defenses and motions available to the defendant. In addition, once defense counsel and defendant have completed their review of the discovery, they will meet with government counsel to discuss potential dispositions of this matter. If necessary, the parties may request that the Court refer them to a Settlement Conference.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be from May 14, 2012 through August 27, 2012.

Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from May 14, 2012 through August 27, 2012, outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: May 8, 2012

/s/ Varell L. Fuller
VARELL L. FULLER

DATED: May 8, 2012

/s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney

~~PROPOSED~~ ORDER


Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, from May 14, 2012 through August 27, 2012 based upon the need for the defense counsel to investigate further the facts of the present case, review the discovery that the government has already provided and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and

1 is in the defendant's best interests; and (3) the ends of justice are served by excluding from
2 calculations the period from May 14, 2012 through August 27, 2012.

3 Accordingly, the Court further orders that (1) the status conference for May 14, 2012 is
4 vacated; (2) a further status conference in this matter is set for August 27, 2012; and (3) the time
5 from May 14, 2012 through August 27, 2012 is excluded from time calculations under the
6 Speedy Trial Act, 18 U.S.C. § 3161.

7 IT IS SO ORDERED.

8
9 DATED: May 8, 2012


THE HONORABLE EDWARD J. DAVILA
United States Magistrate Judge